



# State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.  
Commissioner

Land Use Regulation Program

P.O. Box 439

Trenton, NJ 08625

Fax # (609) 777-3656

MAR 13 1998

Andrew N. Johnson, P.E.  
Blasland, Bouck and Lee, Inc.  
8 South River Road  
Cranbury, NJ 08512

Re: Letter of Interpretation, Line Verification  
File No.: 1201-97-0004.1  
Applicant: Cytec Industries Inc.  
Block: 10; Lots: 8, 9, 10 and 12 through 21  
Block: 11.01; Lots: 10 through 14  
Carteret Borough, Middlesex County

Dear Mr. Johnson:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundary of the freshwater wetlands and waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted on January 29, 1998, the Land Use Regulation Program has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled "CYTEC INDUSTRIES INC. CARTARET, NEW JERSEY WETLANDS LOCATION MAP", dated August 7, 1997, unrevised, and prepared by Blasland, Bouck and Lee, Inc., is accurate as shown.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq., you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above LURP file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP."

In addition, the Department has determined that the wetlands on the subject property are of intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. The areas within impoundments 1-6 have been determined not to be waters of the United States, and therefore are not regulated wetland features. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-3), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-9) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-7). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

It should be noted that this determination of wetlands classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant.

Be advised, regulated activities involving the reconstruction of berms surrounding impoundment No. 1 was observed during the site inspection of January 29, 1998 (within buffers and wetland areas) and possibly within the waterfront development jurisdiction.

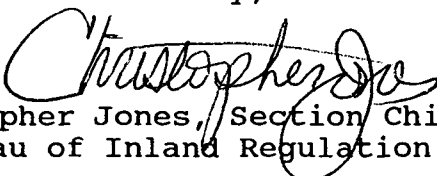
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. Also this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

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Letter of Interpretation

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Please contact David Q. Risilia of our staff at (609) 633-6754 should you have any questions regarding this letter. Be sure to indicate the Program's file number in all communication.

Sincerely,

  
Christopher Jones, Section Chief  
Bureau of Inland Regulation

dd

c: Carteret Borough Clerk  
Carteret Borough Construction Official

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**ADMINISTRATIVE HEARING REQUEST CHECKLIST  
AND TRACKING FORM**

**I. Documents Being Appealed:**

\_\_\_\_\_  
Issuance Date of Document

\_\_\_\_\_  
Document Number (if any)

**II. Person Requesting Hearing:**

\_\_\_\_\_  
Name/Company

\_\_\_\_\_  
Name of Attorney (if applicable)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Telephone #

**III: Please include the following information as part of your request:**

- A. The date the permittee received the permit;
- B. A copy of the Denial of Permit and a list of all issues being appealed;
- C. The legal and factual questions at issue;
- D. A statement as to whether or not the permittee raised each legal and factual issues during a public comment period on the permit;
- E. Suggested revised or alternative permit conditions;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law, and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

- 1. New Jersey Department of Environmental Protection  
Office of Legal Affairs  
Attention: Adjudicatory Hearing Requests  
401 E. State Street, CN 402  
Trenton, New Jersey 08625
- 2. Richard Kropp, Director  
Land Use Regulation Program  
501 E. State Street, 2nd Floor  
CN 401  
Trenton, New Jersey 08625